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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JASON KENNEDY,

Plaintiff,

vs.

MEDICAL DATA SYSTEMS, INC.
d/b/a MEDICAL REVENUE
SERVICE,

Defendant.

No.

JURY DEMANDED

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332, and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

2. This action is instituted in accordance with and to remedy Defendant's violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and of related state law obligations brought as supplemental claims hereto.

3. In 2015, Defendant initiated a campaign of abusive, unfair, unreasonable, and unlawful debt collection activity directed against Plaintiff.

5. Plaintiff, Jason Kennedy, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).

FACTUAL ALLEGATIONS

8. On February 23, 2015 Defendant dunned Plaintiff for an alleged medical debt.

9. On February 24, 2015 Defendant called Plaintiff from (866) 631-4680.

10. Plaintiff immediately advised Defendant to *stop calling him*.

11. On March 2, 2015 Plaintiff wrote Defendant advising of his refusal to pay (Exhibit 1).

12. Defendant received Exhibit 1 on March 7, 2015 (Exhibit 2).

13. Plaintiff's written refusal to pay required Defendant cease and desist all collection communications in accordance with FDCPA § 1692c(c):

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1 communication with the consumer, the debt collector shall not
2 communicate further with the consumer with respect to such debt.

3 14. Notwithstanding, on March 20, 2015 at approximately 1258, Defendant again
4 called Plaintiff.

5 15. Plaintiff immediately protested reminding Defendant it had indeed received his
6 March 2, 2015 letter (Exhibits 1 and 2).

7 16. Defendant's collector then harshly advised the calls would continue.

8 17. Plaintiff hung up.

9 18. Defendant's threat to keep calling was made in violation of FDCPA §§ 1692e(5)
10 and 1692d(5).

11 19. Defendant's March 20, 2015 call was made in violation of FDCPA §§ 1692c and
12 1692d.

13 20. The foregoing acts and omissions of Defendant were undertaken by it willfully,
14 maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of
15 Plaintiff.

16 21. Indeed, the foregoing acts and omissions of Defendant were undertaken by it
17 indiscriminately and persistently, as part of its regular and routine debt collection efforts, and
18 without regard to or consideration of the identity or rights of Plaintiff.

19 22. As a proximate result of the foregoing acts and omissions of Defendant, Plaintiff
20 has suffered actual damages and injury, including, but not limited to, stress, humiliation, mental
21 anguish and suffering, and emotional distress, for which Plaintiff should be compensated in an
22 amount to be proven at trial.

23 23. As a result of the foregoing acts and omissions of Defendant, and in order to
24 punish Defendant for its outrageous and malicious conduct, as well as to deter it from
25 committing similar acts in the future as part of its debt collection efforts, Plaintiff is entitled to
26 recover punitive damages in an amount to be proven at trial.

CAUSES OF ACTION

COUNT I

24. The foregoing acts and omissions of Defendant constitute violations of the FDCPA, including, but not limited to, Sections 1692c, 1692d and 1692e.

25. Plaintiff is entitled to recover statutory damages, actual damages, reasonable attorney's fees, and costs.

COUNT II

26. The foregoing acts and omissions constitute unreasonable debt collection practices in violation of the doctrine of Invasion of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp. 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

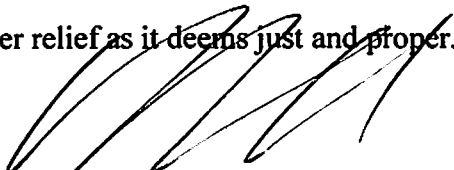
27. Plaintiff is entitled to recover actual damages as well as punitive damages in an amount to be proven at trial.

JURY DEMANDED

Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.
6. Grant such other and further relief as it deems just and proper.


MITCHELL D. GLINER, ESQ.
Nevada Bar #003419
3017 W. Charleston Blvd. #95
Las Vegas, Nevada 89102

March 2, 2015

Via Certified Mail

Medical Revenue Service
P.O. Box 1149
Sebring, FL 33871

Dear Sir,

I enclose your February 23, 2015 correspondence.

It is not my intent to dispute this debt. I lack adequate income. This is neither a request for validation nor dispute, but rather, a refusal to pay. My very few resources are focused on the support of my young son. I will most certainly let you know if anything changes.

Thank you in advance for your anticipated courtesy.

Sincerely,

Jason Kennedy

Enclosure

EXHIBIT 1

0000002798160420000144104099831042000000011885

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Tracking Number: 70052570000034757811

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Postal Product:

Extra Svc:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
March 7, 2015 , 1:50 pm	Delivered	SEBRING, FL 33870
Your item was delivered at 1:50 pm on March 7, 2015 in SEBRING, FL 33870.		
March 7, 2015 , 1:01 am	Departed USPS Facility	SARASOTA, FL 34260
March 6, 2015 , 10:05 am	Arrived at USPS Facility	SARASOTA, FL 34260
March 4, 2015 , 3:49 am	Departed USPS Facility	LAS VEGAS, NV 89109
March 3, 2015 , 8:35 pm	Arrived at USPS Facility	LAS VEGAS, NV 89109

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**EXHIBIT 2**